



Entered on Docket
November 03, 2010

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES

Gregory L. Wilde, Esq.
Nevada Bar No. 004417
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Las Vegas, Nevada 89107
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The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank, NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-8, Mortgage Pass-Through Certificates, Series 2005-8 09-74089

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Cynthia Del Rosario

Debtor.

BK-S-09-19865-lbr

MS Motion No. 56
Date: September 15, 2010
Time: 10:30 AM

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-petition arrearages currently due as follows:

1 Monthly Payment at \$1,346.98 (August 1, 2010)	\$1,346.98
2 Monthly Payments at \$1,293.87 (September 1, 2010 - October 1, 2010)	\$2,587.74
2 Late Charges at \$56.21 (August 1, 2010 - September 1, 2010)	\$112.42
Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$550.00
Suspense Amount	(\$610.77)
Total	\$4,136.37

The total arrearage shall be paid in six monthly installments. Payments one through five (1-5) in the amount of \$689.40 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month commencing with the November 20, 2010 payment and continuing throughout and concluding on or before March 20, 2011. The sixth final payment in the amount of \$689.37 shall be paid on or before April 20, 2011.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtor at least fourteen business days' notice of the time, place and date of sale.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning with the November 1, 2010, payment, on Secured Creditor's Trust obligation, encumbering the subject Property, generally described as 5024 Dodge Ridge Ave. , Las Vegas, NV 89139, and legally described as follows:

Parcel One (1):

Lot One-Hundred-Five (105) in Block Three (3), of PINECREST as shown by map thereof on file in Book 114 of Plats, Page 65 and amended by Certificate of Amendment recorded January 30, 2004 in Book 20040130 as Document No. 01221 in the Office of the County Recorder of Clark County, Nevada.

Reserving therefrom a non-exclusive easement for ingress, egress, use and enjoyment and public utility purposes, on, over and across the private streets and common areas on the map referenced hereinabove.

Parcel Two (2):


A non-exclusive easement for ingress, egress, use and enjoyment and public utility purposes on, over and across the private streets and common areas on the map referenced hereinabove, which easement is appurtenant to Parcel One (1).

IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDE & ASSOCIATES


By

 #12040
GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

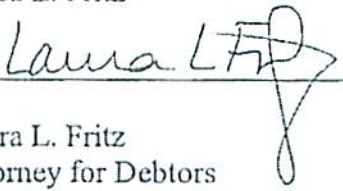
Rick A. Yarnall

By

 10-15-10
Rick A. Yarnall
Chapter 13 Trustee
701 Bridger Avenue #820
Las Vegas, NV 89101

Laura L. Fritz

By


Laura L. Fritz
Attorney for Debtors
625 South Sixth Street
Las Vegas, NV 89101

Nevada Bar No. 6568

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☒ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☐ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☒ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☐ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor